IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 531 OF 2007
IN
WRIT PETITION NO.1352 /2007

Shankar Narayan Shetty .. Appellant.
Prop.of M/s.Sai Krupa Hotel (Sea Land)

V/s.

State of Maharashtra & Ors. .. Respondents.

Mr.P.K.Dhakephalkar with P.C.Kansara i/by S.V.Sadavarte for the Appellant.

Mr. Nitin Deshapnde, AGP for the Respondent -State.

CORAM : DR. S. RADHAKRISHNAN &
SRI ANOOP V. MOHTA, JJ.

DATED : 14TH DECEMBER, 2007

P.C. :-

. Heard learned counsel for the Appellant and the learned AGP for the Respondent -State.

2. Appeal is admitted. By consent, the Appeal is taken up for final disposal. The learned AGP waives service.

3. By this Appeal, the Appellant is challenging the order dated 10th of July, 2007, whereby the learned single Judge has refused to set aside the order of cancellation of the licence of the Appellant for the

reasons stated in the impugned order.

4. After perusal of the record and after hearing the parties, we are not inclined to interfere with the aforesaid impugned order dated 10th of July, 2007, as we do not find any error or illegality in the same. However, the learned counsel for the Appellant states the Appellant is ready and willing to tender undertakings to this court to comply with all the conditions of the Respondents. Accordingly the Appellant has filed the undertakings-cum- affidavit dated 13th December, 2007. In paragraph 3 thereof, the Appellant undertakes as under :

> "3. I hereby undertake to this Hon’ble Court as follows :-
>
> (a) I shall not employee any ladies either to serve food or liquor or to cook the food in Restaurant.
>
> (b) I will strictly follow the terms and conditions of the Police License and Entertainment Rules 1953 and also the provisions of law.

(c) I shall run my Restaurant and Bar as per the terms and conditions of the various licenses issued under the Bombay Prohibition Act, Shop and Establishment Act, Bombay Municipal Corporation of Act etc..

(d) I shall only serve food and liquor in my establishment.

(e) I shall not hold any activity of dance, orchestra or any kind of amusement.

5. The aforesaid undertakings are accepted.

6. In view of the aforesaid undertakings the learned AGP for the Respondents states that the Respondents will consider the application of the Appellant for issuance of a fresh licence without being influenced by the order of cancellation of licence. The learned AGP also assures that the aforesaid application for fresh licence will be considered expeditiously after affording an opportunity of personal hearing to the Appellant, preferably within a period of four weeks from today.

7. Appeal is disposed of in the aforesaid terms.

(ANOOP V. MOHTA, J) (DR.S.RADHAKRISHNAN,J.)